

## REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated August 22, 2006. Claims 1-13 were examined, and all remain rejected. The rejection of claim 7 under 35 U.S.C. § 112, second paragraph, has been withdrawn. Claims 1-13 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,175,852 to Johnson et al. (hereinafter, "Johnson"), in view of the article "Performance of the IBM General Parallel File System" by Terry Jones, Alice Koniges, and R. Kim Yates (hereinafter, "Jones"). Reconsideration of these rejections, as they might apply to the original and previously amended claims in view of these remarks, is respectfully requested.

In this Response, claim 1, 11, and 13 have been amended to improve their form. Claim 14-20 has been added and no claims have been cancelled. Therefore, claims 1-20 remain present for examination.

No new matter has been added with the addition of claims 14-19 as new claims 14-19 incorporate language previously considered in claim 13. New claim 20 recites a limitation similar to claim 2. As a result, it is believed new claims 14-20 should be entered as they pose no new burden of search or examination. The amendments to the form of claims 1 and 11 now incorporate Distributed Authoring and Versioning (DAV). DAV is described in detail in the specification. The amendments should be entered as DAV is known to the Examiner and poses no new burden of search or examination.

### **Claim Rejections – 35 U.S.C. § 103**

In the Final Office Action dated August 22, 2006, the Examiner addresses the Applicant's previous reply of May 30, 2006. In "the first point of contention" (8/22/2006 Final Office Action, p. 12, "Response to Remarks," second paragraph) the Examiner responds to the Applicant's argument that the Examiner has failed to state a prima facie case of obviousness (5/30/2006 Amendment & Response, p 6). The Examiner replies:

The applicant contends that the examiner has failed to state a prima facie case of obviousness. The examiner disagrees with this assertion and is convinced that 1) a prior art or the combination of prior arts, do teach or suggest all the claim limitations; 2) motivation does exist to combine the prior arts and; 3) there does exist reasonable expectation of success.

Final Office Action, p. 12, Response to Remarks.

The Applicant again respectfully disagrees and traverses the rejection. The Applicant's arguments previously presented are believed to be persuasive (Applicant's May 30, 2006, Response and Amendment). However, to improve the form of the claims, the Applicant has amended independent claims 1, 11, and 13 to incorporate Distributed Authoring and Versioning (DAV). All pending claims are believed to be allowable over the art of record.

**A. Rejections of Claims 1-12**

The Applicant previously described differences in Johnson and Jones and how such a combination, if a motivation to combine did exist, would fail to teach each claimed limitation. (5/30/2006 Amendment & Response, pages 8-12). Applicant again submits that there is no prima facie case of obviousness provided under MPEP §§ 706.02(j) & 2143.

The Examiner states, "[t]he applicant suggests that their design involves WebDAV, essentially a protocol for sharing documents in a distributed environment (such as the web). The examiner reminds the applicant that the claims do not mention WebDAV." (8/22/2006 Final Office Action, p. 13). While the Applicant believes the claims to be allowable in their unamended form, claims 1 and 11 are herein amended to recite a DAV limitation.

In order to sustain a prima facie case of obviousness, the art of record must teach each claimed limitation of the claims. Johnson and Jones, alone or in combination, fail to teach the DAV limitation found in claims 1 and 11. Applicant restates that there is no evidence to combine Johnson with Jones, however, if such a combination were to be made, combining Jones, Johnson and DAV, would still fail to teach Applicant's claims 1 and 11.

"Johnson does not detail the use of tokens." Final Office Action, 8/22/2006, pp. 3-12 (emphasis added). As Johnson fails to teach any use of tokens, the burden falls solely to Jones.

Jones teaches a method of accessing a resource by a plurality of nodes, in a parallel file system (Jones, *1. Introduction*). While a combination of Jones with DAV is not taught or suggested, if such a combination were to be made, the combination would fail to teach Applicant's claims 1 and 11.

Jones parallel file system is not functional as a DAV environment. A parallel file system requires close physical and logical ties between the processing nodes and the data repository, such in the RS/6000 discussed in Jones. Striping data across a number of nodes, without a receiving server (such as a WebDAV server), would require each client to manage access to the data stored on each node. In the DAV paradigm, clients would only have serialized requests, resulting in extremely low I/O throughput—the exact problem Jones seeks to improve.

Jones may function well as a "back end" server on a device providing DAV access to resources. For example, a single DAV request would be received by a server. The server, employing Jones, would then processes the requests on one or more nodes, each node writing reading and writing to buffers, and the buffer-node reading and writing controlled by the teachings of Jones. While there may be advantages to such a combination, Jones would not render Applicant's claims 1 and 11. Claims 1 and 11 could operate unmodified and unimpaired by the inclusion or omission of Jones in such an environment.

As Johnson, in view of Jones, fails to teach each claim limitation of claim 1 and 11, claims 1 and 11 are believed allowable. Claims 2-10 and 12 are also believed to be allowable for at least the reason that they recite additional limitations to claims 1 and 11, respectively. Accordingly, the Applicant requests withdrawal of the rejection for claims 1-12.

#### **B. Rejection of Claim 13**

With respect to amended claim 13, Johnson and Jones fail to satisfy the first prong of establishing a prima facie case of obviousness because they fail to teach or suggest all of the claim limitations of claim 13. Claim 13 recites a "nosharedelete" property which is unknown to the art of record. The Examiner points out that Johnson has read and write locks and file deletion is an obvious feature of file systems. (Final Office Action, 8/22/2006, p. 14). However, no teaching of the art of record or in prior art file systems renders the "nosharedelete" property obvious. The "'nosharedelete lock' allows other clients to read or write to an otherwise locked application, but does not allow any delete operations." (Application, paragraph 45).

Additionally, claim 13 recites DAV which is similarly unknown to Johnson and Jones (*see*, Rejection of Claims 1-12, *supra*). Accordingly, the Applicant respectfully requests withdrawal of the rejection of claim 13.

New claims 14-16 incorporate properties, in addition to the nosharedelete property of claim 13, that were previously found in claim 13. As claims 14-16 recite additional limitations to claim 13, claims 14-16 are also believed to be allowable.

### **Conclusion**

This Amendment fully responds to the Final Office Action mailed on August 22, 2006. It is recognized that the Final Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure, if any, of this Amendment to directly address an argument raised by the Examiner should not be interpreted as reflecting the Applicant's belief that such argument, if any, has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

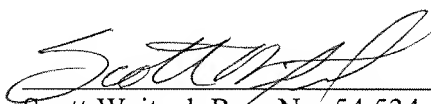
It is believed that no further fees are due with this Amendment. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve such issues, if any.

Respectfully submitted,

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